

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 25, 2007

The meeting was called to order at 4:00 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Terry Mills, and Phil Conder

ABSENT: Brent Fuller and Dale Clayton

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Steve Pastorik, Hannah Thiel and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney
Marshall Henderson – Intern for the City's Atty. Office

AUDIENCE

Approximately seven (7) people were in the audience.

GENERAL PLAN/ZONE CHANGE APPLICATION:

GPZ-3-2007

Phong Nguyen

3407 South Redwood Rd.

**General Plan Change from Medium to High Density Residential to General Commercial
Zone Change from R-4 to C-2**

0.34 Acres

Mr. Steve Pastorik presented the application.

Phong Nguyen has submitted a General Plan/zone change application for the east 0.34 acres of a 0.98 acre parcel located at 3407 South Redwood Road. The east portion of the property is currently zoned R-4 (residential, four-plex) and is classified as medium (6 to 10 units/acre) to high (10 to 20 units/acre) density residential in the General Plan. The applicant is requesting the C-2 Zone (general commercial) and a General Plan land use designation of general commercial.

Surrounding zones include C-2 to the south and west and R-4 to the north and east. Surrounding land uses include the State liquor store to the north, Sizzler to the south, four-plexes to the east and storage units on the west side of Redwood Road. If this application is approved, the applicant plans to remove the existing home on the property and build a strip mall that is approximately 10,000 square feet.

A zoning map from 1980 shows the zoning on the subject property as a combination of C-2 and R-4. Staff believes this General Plan/zone change is appropriate to: have consistent zoning over the whole parcel, allow a larger commercial use similar to neighboring uses, and remove the possibility of another four-plex along a street of four-plexes (3395 South) without common management/maintenance.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the General Plan/zone change.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – GPZ-3-2007 – Approved

ZONE TEXT CHANGE APPLICATION:

ZT-5-2007

West Valley City

Amendments to define or redefine the terms concert, concert hall, concert venue, dance hall, private club, reception center, restaurant, and supplemental entertainment and to add standards for these uses

Mr. Steve Pastorik presented the application.

City staff is requesting several amendments/additions to the ordinances affecting Sections 7-1-103, 7-6-1002, 7-6-1103 and 7-9-104 and adding Section 7-6-1012. A copy of the proposed changes is attached. The proposed ordinance:

1. adds new or amended definitions for: concert, concert hall, concert venue, dance hall, private club, reception center, restaurant, and supplemental entertainment;
2. designates reception centers, concert venues, concert halls and dance halls as conditional uses in the C-2, C-3 and M Zones;
3. includes a separation requirement between residential uses and restaurants, dance halls, concert halls, reception centers, or private clubs that permit singing, dancing, playing of musical instruments or any other form of amusement or entertainment after 10 PM or before 6 AM;
4. requires the uses listed in item 3 above to close and vacate parking lots with 30 minutes of closing; and
5. adds a parking standard for dance halls, concert halls, private clubs, and reception centers.

The purpose of this ordinance is to address concerns raised by staff to the City Council back in April of this year when the City Council passed a six month moratorium on the types of uses addressed in this ordinance. Staff proposed the moratorium to halt a new influx of businesses that appear to be more of a concert venue or dance hall than the traditionally defined uses of private clubs, restaurants and receptions centers.

A recent series of problems involving building and fire code violations, police calls, parking, noise, and associated neighborhood complaints have sprung from so called "restaurant/reception centers." A concert venue is not what a reception center was intended to encompass, but there is currently no definition in the zoning ordinance for reception centers or concert venues. Some of the businesses that the City has received complaints on have been holding concerts that end at 2 AM. Attendance has ranged from under a 1,000 patrons to over 1,500. In some cases, the building is not adequate to accommodate those numbers and there have been problems with criminal activity, noise, on-street parking, etc. Some of these businesses are located directly adjacent to residential areas.

This ordinance is intended to address the problems outlined above.

The parking standard of 1 space per 50 square feet was derived from two sources. The first source was from the Urban Land Institute book Shared Parking which recommends a parking ratio for a nightclub of 19 spaces per 1,000 square feet, which equals 52.6 square feet per space. The second source was from building code occupancy requirements. While there are many factors, such as the number of building exits and restrooms, that influence the ultimate occupancy of a building, a general rule is 15 square feet per person in area that includes table and chairs and 7 square feet per person for open standing or dancing areas. Assuming there would be a mix of open standing areas and areas with tables and chairs would result in 11 square feet per person. Dividing 1,000 square feet by 11 square feet per person yields about 91 people per 1,000 square feet. However, some of the space within a building would be used areas other than seating or standing such as restrooms or stages. Assuming about 10% of the building would not be used for seating or standing reduces the number of people per 1,000 square feet to 82. Dividing 82 people by 4 (1 parking space per 4 seats is required for concert venues) results in roughly 20 spaces per 1,000 square feet, or 1 space per 50 square feet.

Discussion: Commissioner Conder asked about the separation of this use from residential zones. He suggested the manufacturing zone should be included in the required separation, and be part of the motion.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the ordinance amendments as proposed, including manufacturing zones for required separation between the listed uses in the ordinance and residential uses.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – ZT-5-2007 – Approved

SUBDIVISION APPLICATION:

S-14-2007

Highbury Commons Plat B – Preliminary Plat

3100 South Daybury Drive (5400 West)

R-1-8 Zone

158 Lots

37 Acres

4.28 U/A

Mr. Steve Lehman presented the application.

BACKGROUND:

Darin Haskell, representing Ivory Homes, is requesting preliminary approval for the Highbury Commons at Lake Park Plat B Subdivision. This request will also entail a review of the proposed development agreement for this phase of the subdivision. The subject property is located on the corner of 3100 South and 5400 West. The proposed application comprises the first area in Highbury Commons for single family detached housing.

STAFF/AGENCY COMMENTS:

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Will require a soils report.
- Will need to address grading and drainage concerns.
- Will need appropriate easements for storm water and sewer connections.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.
- Fencing concerns regarding sight distance across lots adjacent to the roundabout.

Building Division:

- Will need to evaluate Soils report.

Utility Companies:

- Standard Utility Easements required.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.

ISSUES:

The proposed subdivision is the first detached single family component in the Highbury Commons development. Although the property is zoned R-1-8, a development agreement is required as the developer is proposing a planned community. The attached design guidelines have been prepared for the Planning Commissions review. They represent an understanding between the developer and City thus far in the development process. The Planning Commission will need to evaluate these guidelines, determine if they are appropriate, and forward a recommendation to the City Council.

The preliminary plat consists of 158 lots on 37 acres. This equates to an overall density of 4.28 units per acre. The subdivision is being proposed as a planned community having traditional neighborhood characteristics and dedicated rights-of-way. The following table illustrates the lot mix to be used in this development.

Lot Size	Number of Lots
5,900 – 6,500 square feet	40
6,501 – 7,500 square feet	63
7,501 – 8,500 square feet	29
8,501 – 12,292 square feet	26

* Note – 7 lots are less than 6,000 square feet and the average for this phase of the subdivision is 7,558 square feet.

Housing for this subdivision will be based on Ivory's 2007 catalogue and select housing plans from the Advantage catalogue. During the study session, staff expressed concern regarding two of the Advantage Plans. Ivory Homes has agreed to remove these plans, and will replace them with two plans from the 2006 main catalogue. These plans have been added to the Advantage Plan catalogue and will be sent out with this analysis. Other housing issues will be addressed in the design guidelines.

Access to the subdivision will be gained from Daybury Drive and Highbury Parkway. All streets in the subdivision will be dedicated and will consist of a 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. As stated in the development agreement, Ivory Homes will provide each home owner a landscape voucher that will include a provision for street trees. A master street tree plan will be required by the developer and will be reviewed during each final plat.

The subdivision is bordered on the north, south and west by a fairly substantial street system. City ordinance requires that a masonry wall be constructed along the rear property lines of those adjacent to these rights-of-way. Although a wall type has yet to be selected, Ivory Homes is proposing a pre-cast masonry wall similar to the wall used for the Valley Fields Subdivision. The wall type and color will be reviewed during the final plat process. Public Works has expressed concern regarding the sight distance for those lots adjacent to the roundabout. This matter will need to be further explored as part of the first phase final plat.

Each of the perimeter streets mentioned above will have a parkstrip. The parkstrip area will be landscaped and planted with street trees. The parkstrip and medians in Daybury Drive and Highbury Parkway will be maintained by the Highbury Commons Property Owner's Association. Staff will recommend that Zion's Securities coordinate a tree

planting plan for these areas with the City Parks Department. The tree planting plan and median landscaping will be reviewed with first phase of the final plat.

Zion's Securities is proposing to identify the Highbury community with various gateway icons, neighborhood entry features and trail markers. The illustrations of each type will be included as an exhibit to the design guidelines. In addition, Ivory Homes has suggested placing a smaller entry monument off of Daybury Drive and Highbury Parkway. These monuments will be reviewed during the final plat in the phase which they are to be located.

In consideration of this application and its relation to the planned community concept, Zion's Securities has provided a matrix of open space calculations for the Highbury portion of Lake Park. The total open space which includes trails, waterways and green space is 29.55 acres. If you consider all residential land to be developed as proposed by Zion's Securities in Highbury Commons, the total open space is approximately 27%. This calculation does not include the potential development north of Lake Park Boulevard, nor does it account for the open spaces planned for each of the multi-family developments or pocket parks planned by Ivory Homes. In summary, the open space planned in Highbury exceeds what would be required in a typical planned community.

As mentioned above, Ivory Homes is planning a number of pocket parks for the single family communities. As part of the preliminary plat, an area approximately 19,900 square feet will be set aside for use as a pocket park. Staff will recommend that Ivory develop an amenity package to be reviewed during the final plat process. Consideration should be given to recreational opportunities that may not be available at the Fitness Center or those that will cater to younger children.

The subdivision is adjacent to the Valley Crest Elementary School. Staff has discussed the possibility of the developer providing a walkway. Ivory is not opposed to this concept, but would like to coordinate this issue with the School District. Staff believes that the number of residential homes in this area should warrant a walkway as opposed to sending children out to 3100 South. Staff will recommend that Ivory coordinate this issue with the School District.

During the preliminary review of the Towns at Highbury immediately to the west, staff raised an issue about installing a more pedestrian friendly crossing at 3100 South and Daybury Drive. As a number of residents will hopefully use the City's fitness center, it may be worth exploring this issue with the City's traffic engineer.

During the study session, Ivory Homes suggested the use of basements for all homes. As this area is prone to high water, a soils report will be required. The report will need to address water tables proposed methods to install basements. This will likely require a

master sub-drain and foundation drains around each dwelling. Staff will require that the soils report be submitted prior to the final plat.

EXHIBIT B

1. Each dwelling constructed shall come from the 2007 Ivory catalogue and selected dwellings from the Advantage catalogue. The specified house plans shall be a substitute for the City's single family design standards and point system. Homes that are added or are contained in new versions of these catalogues may be approved at the discretion of the City, as long as they contain a minimum of 1400 square feet of finished living space above grade. Should Ivory develop new plans, they shall be submitted to the City Planning Division for review and approval.
2. Each dwelling will be constructed of 100% masonry materials as defined by City ordinance. Where brick or stone is used on the front elevation, it shall wrap around the front corner of the home a minimum of 18 inches.

The minimum dwelling size for all homes shall be 1400 square feet. The average dwelling size for the entire subdivision shall be 1600 square feet. No two identical elevation plans shall be constructed adjacent to each other. Alternate elevations of the same floor plan are acceptable.

Setbacks for this development shall be 25 feet in the front, 20 feet in the rear and 5 feet and 5 feet for side yards. Corner lot setbacks shall be per City ordinance.

3. Rear elevations for houses with double frontage along 3100 South, Daybury Drive and Highbury Parkway and those adjacent to any trail or waterway shall meet City ordinances.
4. Street frontages along 3100 South, Daybury Drive and Highbury Parkway shall be constructed with a 5-foot parkstrip and 5-foot sidewalk. The parkstrip along all three streets shall be landscaped with street trees. Maintenance of these parkstrips shall be done by the Highbury Property Owner's Association. The developer shall provide a Street Tree Master Plan for the development. Said plan shall be reviewed by the City Parks Department and shall be submitted prior to the review of any final plat.
5. A masonry pre-cast wall shall be installed along 3100 South. The wall shall match the masonry wall being installed along 3100 South for the Towns at Highbury project. A masonry pre-cast wall shall also be installed along Daybury Drive and Highbury Parkway. The design and specifications of this wall shall be

reviewed during the first phase of the final plat.

6. Streetscapes within the community and along all residential roads shall be planted with street trees. Said trees shall be based on the Street Tree Master Plan as noted in item No. 4. Ivory Homes will include the tree planting plan in the CC&R's recorded for the project. The CC&R's will provide for type of tree to be planted, schedule for planting, and require the home owner to plant the tree and be responsible for maintenance of the trees. The street tree will be provided by Ivory to the home owner and will be planted by the homeowner.
7. Ivory Homes shall provide each home owner with 2000 square feet of sod. A landscaping voucher to include the street trees as per the tree planting plan, front landscaping and side yard landscaping on corner lots shall be provided to each home owner as well. This voucher shall provide at least one street tree, one yard tree, and a variety of shrubs and bushes to each home owner. The City's standard landscaping agreement will need to be signed by either the builder or homeowner indicating the time frame for which the landscaping is to be installed.
8. Open space and trails will be provided by Zion's Securities. The Land Use mix including the open space inventory is defined by Exhibit C. Ivory Homes will be providing a pocket park approximately 19,900 square feet in size as part of this phase. Amenities and development standards shall be reviewed during the final plat process wherein the park is located.
9. Community gateway icons, neighborhood entry features and trail markers will be used to accentuate the residential areas of Lake Park. These illustrations are attached as Exhibit D.
10. Density shall not exceed 4.28 units per acre in this phase.

Applicant:

Chris Gamvroulas
Ivory Homes

Discussion: Mr. Chris Gamvroulas reminded the Planning Commission of past hearings prior to Zion Securities choosing Ivory Development as the contractor for the property. He said they accepted the project with the commitment the property would not be piece-milled. Mr. Gamvroulas asked for flexibility with the zoning, noting 85% of the land will be single units in Highbury. He mentioned the possibility of having two walkways to the nearby school, and the fact that there is 27% open space on this portion of property. Mr. Gamvroulas suggested the Commission look at the big picture, reminding them that this plan is better than what was planned a year ago. Commissioner Matheson commented

that the two proposed homes in the Advantage Catalog are much nicer than some other homes in the catalog. He also liked the way Ivory is phasing the project, by researching what size of homes sell the best helping the Commission know what residents desire. He asked what happened to the four-acre parcel planned for a church. Mr. Gamvroulas stated the LDS Church determined the church should be moved to Phase C. Commissioner Mills hoped Ivory would make great efforts to ensure the walkways to the schools, as they are very desirable. Mr. Gamvroulas assured they plan to look into this, but mentioned it can also be a liability. He said school districts get very concerned about walkways. Commissioner Conder commented the other option is for children to walk on 3100 South, which is more of a liability. Mr. Gamvroulas informed of a trail along the south side of the charter school and a bridge over the waterway for children to access the school. He indicated it would be very beneficial if a charter high school is built in this area. Steve Lehman suggested the Home Owner's Association maintain the walkways.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved to grant preliminary for the Highbury Commons Plat B Subdivision subject to the following conditions:

1. That the subdivision be guided by the design standards and all exhibits.
2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
3. That compliance be made with Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve all matters pertaining to these services and necessary easements prior to final plat review.
4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
5. That the developer evaluate with Zion's Securities and the City Traffic Engineer options to enhance a pedestrian crossing at the intersection of 3100 South and Daybury Drive.

6. That the developer install fencing as outlined in the development agreement. The Masonry wall shall be reviewed during the final plat of the first phase.
7. That the developer submit a soils report prior to final plat review. Said report shall address ground water elevations and any recommended methods to allow basements in this development.
8. That parkstrips in Daybury Drive, Highbury Parkway and 3100 South be landscaped and planted with street trees. Ivory shall prepare a master street tree plan and shall coordinate tree variety with the Parks Department.
9. That a pocket park approximately 19,900 square feet be installed as part of this phase. Amenities to be provided shall be reviewed during the final plat process for the phase which includes the park. Consideration should be given to recreational opportunities that are not available at the City's fitness center and to those who are younger.
10. That the developer coordinate a potential walkway to the Valley Crest Elementary School.
11. That the proposed development comply with all provisions of the West Valley City Fire Department.
12. That housing elements and building setbacks be in accordance with the design guidelines.
13. That the developer install additional entry features off of Daybury Drive and Highbury Parkway. Said features shall incorporate similar attributes of the neighborhood gateway features proposed by Zion's Securities.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – S-14-2007 – Approved

CONDITIONAL USE APPLICATION:

C-23-2007

Darron Rowley, Title Loans

3040 West 3500 South

General Commercial (C-2) zone 0.46 acres

Staff Presentation by Hannah Thiel, Planner I

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1000 Commercial Zones Conditional Uses

Background

Darron Rowley is requesting a conditional use approval for a title loan business located at 3040 West 3500 South. A title loan business is a conditional use in a C-2 or general commercial zone. This property is part of a three-unit strip mall of office uses which occupies 0.46 acres of land. The General Plan designates this property as medium density residential (6-10 units/acre), and/or general commercial.

The applicant has noted in the attached letter that Money Train Title Loans would be open during regular business hours and would not do any check cashing or check loans. It has been indicated that the business would use wall signs in compliance with the West Valley City sign ordinance. This office plaza supplies enough parking for a title loan business with the minimum number of spaces as one (1) parking space for two hundred and fifty (250) feet of gross floor area. Twenty four (24) spaces are required and twenty six spaces (26) are available for the entire site.

The property on the south, north, east, and west sides of 3040 West 3500 South are zoned C-2 and are designated medium density residential and/or general commercial under the General Plan. As the surrounding uses are zoned commercial, staff does not see this use adversely affecting neighbors or neighboring zones.

Applicant:

Darron Rowley

27 W. 3300 S.

Discussion: Chairman Woodruff asked the applicant if he was going to utilize all of the

square footage. Mr. Darron Rowley explained the large building would allow further expansion for offices, suggesting there may be room for some management to overlook other operations from this location. Commissioner Conder asked how many parking spaces will be used during the day. Mr. Rowley replied they will have one to two employees at the beginning of the business. At any given time, there are normally two to three customers. He noted their business at a different location has seven parking spaces, which takes care of all their needs. Mr. Rowley mentioned if UDOT removes some of their parking, it will still work out for this business. Commissioner Mills wondered if additional parking space will be needed for the additional proposed office space. Hannah Thiel explained parking spaces are determined by existing square footage, and the actual building is not being expanded.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to any issues raised at the public hearing as well as the following conditions:

1. That Money Train Title Loan does not do any check loans or check cashing (as the applicant is aware and has addressed this in his letter/memo).
2. That the applicant submit a building permit application for the proposed wall signs, and that the sign meet all regulations for signs contained in Title 11 of the West Valley City Code.
3. That the applicant acquire all necessary permits for any building or alterations to the building (none are currently proposed).
4. That Money Train Title Loan shall not store or display any merchandise outside the leased store area (outdoors) and that no cars be stored on site. (as the applicant is aware and has addressed)
5. That the business and property owner(s) understand that 3500 South will expand in the future, using some of the existing parking. As the number of parking stalls will be significantly decreased, at that time in the future, an office use will be legal nonconforming and will not be permitted to be transferred to a use that requires any more parking (e.g. restaurant).
6. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes

Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – ZT-2-2007 – Approved

PLANNING COMMISSION BUSINESS

Vote on Chairman for the Planning Commission for the West Valley City fiscal year ending July 2008.

Motion: Commissioner Conder moved for Chairman Woodruff to retain his title of Chairman for the West Valley City Planning Commission for the year ending July 2008.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – Approved

Vote on Vice-Chairman for the Planning Commission for the West Valley City fiscal year ending July 2008.

Motion: Commissioner Matheson moved for Brent Fuller to retain his title of Vice-Chairman for the West Valley City Planning Commission for the year ending July 2008.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Clayton	Absent
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – Approved

Approval of minutes from June 13, 2007 (Regular Meeting) - **Approved**
Approval of minutes from June 27, 2007 (Regular Meeting) - **Continued**
Approval of minutes from July 11, 2007 (Regular Meeting) - **Continued**
Approval of minutes from July 18, 2007 (Study Session) - **Approved**

There being no further business, the meeting adjourned at 4:35 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant